

EXHIBIT 1

EXHIBIT 1

SUMM

District Court
CLARK COUNTY, NEVADA

ORIGINAL

KEVIN CARTER, MICHAEL SACCO, and
BLAKE RECK individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

WYNN LAS VEGAS, LLC, a Nevada limited
liability company,

Defendant.

Case No. A-16-740621-C

Dept. No. XXVII

SUMMONS

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD
UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE INFORMATION BELOW.**

TO THE DEFENDANT: A Civil Complaint has been filed by the plaintiff against you for the relief set forth in the Complaint.

WYNN LAS VEGAS, LLC c/o Roxane Peper

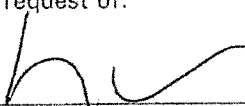
1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the day of service, you must do the following:

- a. File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court.
- b. Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the plaintiff and this Court may enter a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

Issued at the request of:


Christian Gabroy
Nevada Bar No. 8805
170 S. Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Attorney for Plaintiff

STEVEN D. GRIERSON, CLERK OF COURT

By: 

Deputy Clerk
County Courthouse
200 South Third Street
Las Vegas, Nevada 89101

AUG 18 2016

Date

*NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).

STATE OF _____)
) ss: AFFIDAVIT OF SERVICE
 COUNTY OF _____)

_____, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Summons and Complaint, on the ____ day of _____, 2016 and served the same on the ____ day of _____, 2016 by:

(affiant must complete the appropriate paragraph)

1. delivering _____ and leaving a copy with the defendant at (state address) _____.
2. serving the defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the defendant's usual place of abode located at (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. serving the defendant _____ by personally delivering and leaving a copy _____ at _____ (state address)

a. with _____ as _____, an agent lawfully designated by statute to accept service of process;

b. with _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage prepaid (check appropriate method):

_____ Ordinary mail
 _____ Certified mail, return receipt requested
 _____ Registered mail, return receipt requested

addressed to the defendant _____ at the defendant's last known address which _____ is _____ (state address)

Executed this ____ day of _____, 20____.

 Signature of person making service

SUBSCRIBED AND SWORN to before me this

____ day of _____, 2016.

NOTARY PUBLIC in and for said County
 and State

My commission expires:

SUMM

District Court
CLARK COUNTY, NEVADA

KEVIN CARTER, MICHAEL SACCO, and
BLAKE RECK individually and on behalf of
all others similarly situated,

Plaintiffs,

vs.

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liability company,

Defendant.

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WYNN LAS VEGAS, LLC c/o Roxane Peper

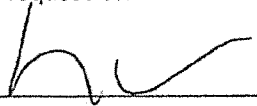
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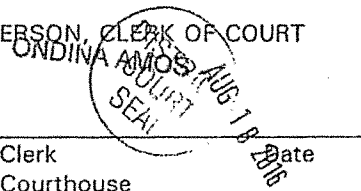
Issued at the request of:


Christian Gabroy
Nevada Bar No. 8805
170 S. Green Valley Parkway, Suite 280
Henderson, Nevada 89012
Attorney for Plaintiff

STEVEN D. GRIERSON, CLERK OF COURT

By: _____

Deputy Clerk
County Courthouse
200 South Third Street
Las Vegas, Nevada 89101



*NOTE: When service is by publication, add a brief statement of the object of the action.
See Rules of Civil Procedure, Rule 4(b).

STATE OF _____)
) ss: AFFIDAVIT OF SERVICE
 COUNTY OF _____)

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(affiant must complete the appropriate paragraph)

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2. serving the defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the defendant's usual place of abode located at (state address) _____.

(Use paragraph 3 for service upon agent, completing A or B)

3. serving the defendant _____ by personally delivering and leaving a copy _____ at _____ (state address)

a. with _____ as _____, an agent lawfully designated by statute to accept service of process;

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addressed to the defendant _____ at the defendant's last known address which is _____ (state address)

Executed this ____ day of _____, 20____.

 Signature of person making service

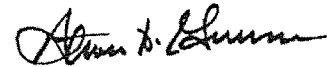
SUBSCRIBED AND SWORN to before me this

____ day of _____, 2016.

NOTARY PUBLIC in and for said County
 and State

My commission expires:

Electronically Filed
07/26/2016 11:35:39 AM



CLERK OF THE COURT

1 Jon R. Mower, Esq.
Application for Admission *Pro Hac Vice* Pending
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10 Attorneys for Plaintiffs

11
12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 KEVIN CARTER, MICHAEL SACCO, and
BLAKE RECK individually and on behalf of all
15 others similarly situated,

16 Plaintiffs,

17 vs.

18 WYNN LAS VEGAS, LLC, a Nevada limited
liability company,

19 Defendant.

Case No. A- 16 - 740621 - C
XXVI I

COMPLAINT FOR:

1. FAILURE TO PAY MINIMUM
WAGES, AND UNLAWFUL TIP
POOLING 29 U.S.C. § 206; 29
U.S.C. § 203 (m); 29 CFR 531.52 and
531.54
2. CONVERSION
3. UNJUST ENRICHMENT

COLLECTIVE AND CLASS ACTION
PURSUANT TO 29 U.S.C. § 216(b) AND NEV.
R. CIV. P. 23

21 Plaintiffs Kevin Carter, Michael Sacco, Blake Reck, and those persons set forth in Exhibit "A"
22 for themselves and all others similarly situated ("Plaintiffs"), allege as follows for their Complaint
23 against Wynn Las Vegas, LLC ("Wynn" or "Defendant"):

24 1. Plaintiffs bring this collective and class action Complaint, pursuant to the Fair Labor
25 Standards Act, 29 U.S.C. § 216(b) and Rule 23 of the Nevada Rules of Civil Procedure, to recover
26 minimum wages and tips unlawfully withheld by Defendant while Plaintiff and similarly situated
27 employees worked as servers and bartenders for Defendant in its Tryst, Intrigue, and XS nightclubs
28

1 (the "Nightclubs") at the Wynn and Encore Hotels and Casinos in Las Vegas, Nevada.

2 2. As set forth in detail below, Defendant paid bartenders and servers working in the
3 Nightclubs ("Tipped Employees") with a tip credit that Defendant used to offset minimum wages that
4 would otherwise be owed (referred to as the "Tipped Employee Minimum Wage"). However,
5 Defendant engaged in illegal tip pooling and tip sharing arrangements, which included requiring
6 Tipped Employees to share a percentage of their tips with the house or with management and other
7 non-point of service employees who do not customarily and regularly receive tips. As a result of this
8 unlawful mandatory tip pooling system Defendant was not permitted to apply a tip credit to its
9 employees' wages, and those employees are thus entitled to the difference between the Tipped
10 Employees Minimum Wage and the federal minimum wage of \$7.25 per hour established by 29
11 U.S.C. § 206 ("FLSA Minimum Wage"), as well as payment of the wages and tips unlawfully taken
12 from them by way of Defendant's unlawful tip pooling and tip transferring policies and practices,
13 together with liquidated damages, attorneys' fees and costs, and all unpaid tips.

14 JURISDICTION AND VENUE

15 3. This action arises under the Constitution, laws, or treaties of the United States,
16 including, without limitation, the Fair Labor Standards Act, 29 U.S.C. §§ 200, et seq., as well as
17 implementing regulations of the United States Department of Labor. This Court has jurisdiction
18 pursuant to Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. §216(b) which provides that an
19 action based on these provisions "may be maintained against any employer . . . in any federal or state
20 court of competent jurisdiction by any one or more employees for and on behalf of himself or
21 themselves and other employees similarly situated." Venue is proper in the District Court, Clark
22 County, Nevada because Plaintiffs reside in Clark County and worked for Defendant in Clark County;
23 the acts complained of occurred in Clark County, and Defendant regularly conducts business in Clark
24 County.

25 Plaintiffs Kevin Cater, Michael Sacco and Blake Reck hereby file notices of consent to
26 joinder. Such true and correct copies of such consent is hereby attached as Exhibit "A".

27 PARTIES

28 4. Plaintiff Kevin Carter is a citizen of the United States and the State of Nevada, and at
all relevant times was domiciled in Clark County, Nevada. During the time period relevant to this

1 Complaint, Plaintiff was employed by Defendant as a bartender in Defendant's XS Nightclub bar, was
2 paid with a tip credit, and a portion of his tips was unlawfully withheld by Defendant as alleged
3 herein.

4 5. Plaintiff Michael Sacco is a citizen of the United States and the State of Nevada, and at
5 all relevant times was domiciled in Clark County, Nevada. During the time period relevant to this
6 Complaint, Plaintiff was employed by Defendant as a bartender in Defendant's XS Nightclub bar, was
7 paid with a tip credit, and a portion of his tips was unlawfully withheld by Defendant as alleged
8 herein.

9 6. Plaintiff Blake Reck is a citizen of the United States and the State of Nevada, and at all
10 relevant times was domiciled in Clark County, Nevada. During the time period relevant to this
11 Complaint, Plaintiff was employed by Defendant as a Server Assistant in Defendant's XS Nightclub
12 bar, was paid with a tip credit, and a portion of his tips was unlawfully withheld by Defendant as
13 alleged herein.

14 7. Defendant Wynn Las Vegas, LLC is a limited-liability company organized and existing
15 under the laws of the State of Nevada, with its primary place of business in Las Vegas, Nevada.
16 During all times relevant to this Complaint, Defendant was doing business in Las Vegas, Nevada as
17 the Wynn Las Vegas and Encore Resort hotels and casinos.

18 GENERAL ALLEGATIONS

19 8. Under the Fair Labor Standards Act of 1938 ("FLSA"), 29 U.S.C. § 203(m), an
20 employer may fulfill part of its hourly minimum wage obligation to a tipped employee with the
21 employee's tips. This practice is known as taking a "tip credit." Section 203(m) obligates employers
22 who take a tip credit to (1) give notice to its employees, and (2) allow its employees to retain all the
23 tips they receive, unless such employees participate in a valid tip pool. Under Section 203(m), a tip
24 pool is valid if it is comprised exclusively of employees who are "customarily and regularly" tipped.

25 9. At all times relevant to this action, Plaintiffs and similarly situated Tipped Employees
26 were required to share a percentage of their tips with management and other employees who were not
27 at the point of service and who do not customarily and regularly receive tips ("Non-Tipped
28 Employees") The tip-out amount to Non-Tipped Employees was changed by Wynn management

1 personnel on a periodic basis but over time ranged typically between five and twenty five percent of
2 the Tipped Employees' pooled tips.

3 10. Non-Tipped Employees who generally consisted of Wynn managers and executives did
4 not actually receive the tip share as tips since they provided no point of service nor were they in a
5 position to receive any direct tips from customers. Rather, Defendant, through its management
6 personnel, retained and utilized a portion of the Tipped Employees tips for general business purposes,
7 and for their own financial benefit. Retaining tips for general business purposes or to pay hourly
8 wages of other employees does not constitute a valid tip sharing or pooling under the Department of
9 Labor's regulations and federal and state law.

10 11. Implementing regulations promulgated by the United States Department of Labor
11 prohibit the creation of any tip pool that violates Section 203(m). See, 29 C.F.R. § 531.52 and
12 §531.54. Because Plaintiffs and other Tipped Employees were forced, as a condition of their
13 employment with Defendant, to share tips with Defendant's management personnel and employees
14 who are not regularly and customarily tipped, Defendant's tip pooling and sharing policy was and is
15 unlawful. Plaintiffs are informed and believe that the forced tip pooling practice continues to be a
16 requirement of employment at Defendant's Nightclubs and bars up to the present.

17 12. As a result of Defendant's unlawful tip confiscation and pooling policy, Plaintiffs and
18 other similarly situated Tipped Employees were entitled to receive the FLSA Minimum Wage and not
19 the Tipped Employee Minimum Wage. Further, tips are the property of the employee who earns them
20 regardless of whether or not the employer has taken a tip credit. 29 C.F.R. § 531.52 Therefore,
21 Plaintiffs and other similarly situated Tipped Employees are entitled to the actual amount of tips they
22 earned rather than the amount they were left with after Defendant's mandatory tip pooling policies and
23 practices.

24 COLLECTIVE ACTION ALLEGATIONS

25 13. Plaintiffs bring this action on behalf of themselves and all others similarly situated
26 pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b).

27 14. Individuals similarly situated to Plaintiffs include all Tipped Employees working in the
28 Nightclubs at any time during the three years preceding the filing of this Complaint, for whom a tip

1 credit was applied to their wages or a portion of their tips was withheld by Defendant and shared with
2 Non-Tipped Employees. Defendant's policies and practices of mandatory tip pooling with
3 management and Non-Tipped Employees applied to all point of service employees receiving tips at
4 the Nightclubs. These similarly situated individuals who, pursuant to Plaintiffs' information and
5 belief, collectively number over 300, are so numerous that individual joinder is impractical. The
6 identities of all putative class members are within the knowledge of Defendant, and can be ascertained
7 only by reference to Defendant's records.

8 15. Each and every other similarly situated individual employed by Defendant has suffered
9 the same wrongdoing, and the factual and legal basis for the claims of Plaintiffs and similarly situated
10 Tipped Employees are similar such that their claims should be heard in one action.

11 CLASS ACTION ALLEGATIONS

12 16. Plaintiffs also bring this action on behalf of themselves and a class of all other similarly
13 situated Tipped Employees, pursuant to Rule 23 of the Nevada Rules of Civil Procedure and the Fair
14 Labor Standards Act Section 16(b) as a collective action and will seek an order providing that Notice
15 be sent to all putative members of the class providing them with information regarding this action and
16 an opportunity to submit a consent to join with other similarly situated employees in pursuing the
17 relief sought by this Complaint.

18 17. The proposed class is defined as all Tipped Employees working in the Nightclubs at
19 any time during the three years preceding the filing of this Complaint for whom a tip credit was
20 applied to their wages or a portion of their tips was withheld or otherwise confiscated by Defendant
21 and shared with Defendant's management or other Non-Tipped Employees.

22 18. The members of the Class are so numerous that joinder is impractical. The interests of
23 justice require that these claims be litigated on a collective basis.

24 19. Plaintiffs' claims are typical of the claims of the Class because Defendant kept,
25 confiscated, or interfered with tips properly due to Plaintiffs and all Class members. Plaintiffs, like all
26 Class members, have been damaged by Defendant's misconduct in that they have been, and will
27 continue to be, deprived of property and wages by Defendant's unlawful tip pooling and tip
28 confiscation policies. Furthermore, the factual basis of Defendant's misconduct is common to all Class

members, including Plaintiffs, and represents a common thread of an unlawful policy and practice resulting in similar injuries to all members of the Class.

20. There are numerous questions of law and fact common to the Class, and those common questions predominate over any questions affecting only individual Class members. Among the questions of law and fact common to the Class are whether Defendant:

- (a) unlawfully permitted management and other employees who do not customarily and regularly receive tips to participate in the Class's mandatory tip pooling and tip confiscation practices;
- (b) improperly interfered with the Class members' tips;
- (c) unlawfully retained portions of the Class members' tips; and
- (d) implemented and executed tip policies and practices that are unlawful.

21. Plaintiffs have suffered the harm alleged herein, have no interests antagonistic to the interests of any other Class member, are committed to the vigorous prosecution of this action, and have retained competent and experienced counsel. Therefore, Plaintiffs and their counsel are adequate representatives and will fairly and adequately protect the interests of the Class.

22. A collective or class action is superior to other available methods for the fair and efficient adjudication of this controversy since the amount of each individual Class member's claim is small relative to the complexity of the litigation, and due to the financial resources of Defendant, no Class member could realistically afford to seek legal redress individually for the claims alleged herein. Therefore, absent a collective or class action, the Class members will continue to suffer losses, and Defendant's misconduct will proceed without remedy.

23. Even if Class members themselves could afford such individual litigation, this Court may become immersed in numerous lawsuits with substantially similar facts and legal issues with relatively nominal damages. Given the complex legal and factual issues involved, individualized litigation would significantly increase the delay and expense to all parties. Individualized litigation would also create the potential for inconsistent or contradictory rulings. By contrast, a class action presents far fewer management difficulties, allows claims to be heard which might otherwise go unheard because of the relative expense of bringing individual lawsuits, and provides the benefits of

1 adjudication and comprehensive supervision by a single court.

2 **FIRST CLAIM FOR RELIEF**

3 **Failure to Pay Minimum Wages, 29 U.S.C. § 206 and Unlawful Mandatory Tip Sharing**

4 24. Plaintiffs re-allege and incorporate by this reference each and every preceding
5 allegation in this Complaint, as if the same were fully set forth herein.

6 25. Plaintiffs have consented in writing to become a party plaintiff in this lawsuit.
7 Plaintiffs' written consent thereto is attached as Exhibit "A" to this Complaint and incorporated herein
8 by reference.

9 26. At all times relevant to this action, Defendant was Plaintiffs' and other similarly
10 situated employees' employer within the meaning of the Fair Labor Standards Act. Defendant is
11 regularly engaged in interstate commerce and has revenues exceeding \$500,000.00 per annum.

12 27. Under the Fair Labor Standards Act, 29 U.S.C. § 206, Defendant was and is obligated
13 to compensate Plaintiffs and other similarly situated Tipped Employees at the FLSA Minimum Wage.

14 28. Throughout the three years preceding the filing of this Complaint, Defendant failed to
15 pay Plaintiffs and other similarly situated Tipped Employees the FLSA Minimum Wage. Instead,
16 Defendant applied a tip credit and paid Plaintiffs and other similarly situated Tipped Employees the
17 Tipped Employee Minimum Wage. At all times relevant to this Complaint, Defendant was not
18 entitled to a tip credit because Plaintiffs and other Tipped Employees were required to share tips with
19 employees who are not regularly and customarily tipped.

20 29. By failing to pay Plaintiffs and other similarly situated Tipped Employees the FLSA
21 Minimum Wage and maintaining a tip pool that is not authorized by the Fair Labor Standards Act,
22 Defendant violated and continues to violate the provisions of 29 USC § 203(m), 29 U.S.C. §
23 206(a)(1)(C), and 29 C.F.R. § 531.52. By forcing Plaintiffs to give up a percentage of their tips to
24 management and Non-Tipped Employees, Defendant has ignored and violated the provisions of 29
25 CFR 531.52 and 531.54 and unlawfully deprived Plaintiffs of earned employment-based
26 compensation to Plaintiffs' individual and collective detriment.

27 30. Defendant's conduct as described herein above was willful and undertaken with the
28 intent and design to deprive Plaintiffs and other similarly situated Tipped Employees of their property.

31. Plaintiffs and other similarly situated Tipped Employees have been damaged by Defendant's conduct in an amount representing the difference between the Tipped Employee Minimum Wage and the FLSA Minimum Wage, together with all tips that should have been retained by Plaintiffs and those similarly situated as earned compensation, according to proof at trial.

32. Plaintiffs and other similarly situated Tipped Employees are also entitled to liquidated damages equal to the amount of wages and tips unlawfully withheld by Defendant, together with their reasonable attorneys' fees and costs of suit, pursuant to 29 U.S.C. § 216(b).

33. Defendant engaged in the aforesaid conduct willfully and with the intent to abuse its authority and economic power over Plaintiffs and other similarly situated Tipped Employees by taking advantage of their need for continued employment to force their acquiescence to an unlawful tip pooling and tip sharing policy. Defendant's aforesaid conduct was malicious, oppressive, and undertaken in reckless disregard of the rights of Plaintiffs and other similarly situated Tipped Employees under the Fair Labor Standards Act. Therefore, Plaintiffs and other similarly situated Tipped Employees are entitled to an award of punitive damages in an amount according to proof at trial.

SECOND CLAIM FOR RELIEF

Conversion

34. Plaintiffs re-allege and incorporate by this reference each and every preceding allegation in this Complaint, as if the same were fully set forth herein.

35. The tips and gratuities that customers leave for Plaintiffs and the members of the Class are Plaintiffs' and the Class members' property. 29 C.F.R. § 531.52. Therefore, Plaintiffs and the members of the Class have, and at all relevant times had, ownership rights and the right to possess such tips and gratuities.

36. Defendant retained tips and gratuities belonging to Plaintiffs and the Class members as described above, and thereby wrongfully exercised dominion and control over said tips and gratuities to the exclusion of the rights of Plaintiffs and the members of the Class.

37. As a direct and proximate result of Defendant's wrongful exercise of dominion and control over the aforesaid tips and gratuities, Plaintiffs and the members of the Class have suffered

1 damage in an amount according to proof at trial.

2 38. Defendant engaged in the aforesaid conduct willfully and with the intent to abuse its
3 authority and economic power over Plaintiffs and other similarly situated Tipped Employees by taking
4 advantage of their need for continued employment to force their acquiescence to an unlawful tip
5 pooling and tip sharing policy. Defendant's aforesaid conduct was malicious, oppressive, and
6 undertaken in reckless disregard of the rights of Plaintiffs and other similarly situated Tipped
7 Employees under the Fair Labor Standards Act. Therefore, Plaintiffs and other similarly situated
8 Tipped Employees are entitled to an award of punitive damages in an amount according to proof at
9 trial.

10 THIRD CLAIM FOR RELIEF

11 Unjust Enrichment

12 39. Plaintiffs re-allege and incorporate by this reference each and every preceding
13 allegation in this Complaint, as if the same were fully set forth herein.

14 40. Plaintiffs and the members of the Class conferred a benefit upon Defendant, and gave
15 the benefit with Defendant's knowledge, by giving service to Defendant's customers, causing those
16 customers to leave tips and gratuities for Plaintiffs and the members of the Class and creating repeat
17 business and good will for Defendant.

18 41. Retention of the tips and gratuities by Defendant is unjust under the circumstances.

19 42. As a direct and proximate result of Defendant's unjust retention of the aforesaid tips
20 and gratuities, Plaintiffs and the members of the Class have suffered damage in an amount equating to
21 the amounts unlawfully taken from Plaintiffs and the Class and according to proof at trial.

22 PRAYER

23 WHEREFORE, Plaintiffs and all other similarly situated employees pray for judgment against
24 Defendant as follows:

25 1. On the First Claim for Relief: for compensatory damages equal to the minimum wages
26 and tips unlawfully withheld from Plaintiffs and all other similarly situated employees, and according
27 to proof at trial; for liquidated damages in a sum equal to compensatory damages, pursuant to 29
28 U.S.C. § 216(b); for return of the amounts unlawfully taken from the tips earned by Plaintiffs and all

THEODORA ORINGER
COUNSELLORS AT LAW

1 other similarly situated employees; for an award of liquidated and punitive damages according to
2 proof at trial; and for an award of reasonable attorneys' fees, expenses, and costs of suit pursuant to 29
3 U.S.C. § 216(b).

4 2. On the Second Claim for Relief: for compensatory damages according to proof at trial;
5 and for an award of punitive damages according to proof at trial.

6 3. On the Third Claim for Relief: for compensatory damages and/or restitution in an
7 amount according to proof at trial.

8 4. On All Claims for Relief: for an Order certifying this action as a collective action
9 pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), and as a class action pursuant to Rule
10 23 of the Nevada Rules of Civil Procedure; for prejudgment and post-judgment interest at their
11 respective maximum legal rates; for attorneys' fees and costs to the extent permitted by statute,
12 contract, or in equity; and for any other or additional relief that the Court deems to be just and proper.

13 DATED: July 25, 2016

THEODORA ORINGER PC

14
15 By: 

16 Jon R. Mower, Esq.
17 Attorneys for Plaintiffs

18 DATED: July 25, 2016

GABROY LAW OFFICES

19
20 By: 

21 Christian J. Gabroy, Esq.
22 Oscar Peralta, Esq.
23 Attorneys for Plaintiffs
24
25
26
27
28

DEMAND FOR JURY TRIAL

Plaintiffs Kevin Carter, Michael Sacco, and Blake Reck for themselves and all similarly situated employees, hereby demand trial of these claims by jury to the extent authorized by law.

DATED: July 25, 2016

THEODORA ORINGHER PC

By: 

Jon R. Mower, Esq.
Attorneys for Plaintiffs

DATED: July 25, 2016

GABROY LAW OFFICES

By: 

Christian J. Gabroy, Esq.
Oscar Peralta, Esq.
Attorneys for Plaintiffs

THEODORA TO ORINGHER
COUNSELORS AT LAW

Exhibit A

CONSENT TO JOINDER

Carter, et al. v. Wynn Las Vegas, LLC

By signing below I hereby consent to join this case ~~Carter, et al. v. Wynn Las Vegas, LLC et al.~~, as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Theodora Oringher PC, and GABROY LAW OFFICES pursuant to a written retainer agreement I have executed with them.

Date: 7/19/16

Signature: Michael S. S.

Print Name: Michael S. S.

YOU MUST ALSO EXECUTE A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

Jon R. Mower, Esq.
THEODORA ORINGHER PC
535 Anton Blvd., Suite 900
Costa Mesa, CA 92626

THEODORA ORINGHER

CONSENT TO JOINDER

Carter, et al. v. Wynn Las Vegas, LLC

By signing below I hereby consent to join this case *Carter, et al. v. Wynn Las Vegas, LLC et al.*, as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Theodora Oringer PC, and GABROY LAW OFFICES pursuant to a written retainer agreement I have executed with them.

Date:

07/22/2016

Signature:

[Handwritten Signature]

Print Name:

KEVIN CARTER

YOU MUST ALSO EXECUTE A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

Jon R. Mower, Esq.
THEODORA ORINGER PC
535 Anton Blvd., Suite 900
Costa Mesa, CA 92626

THEODORA ORINGER
COUNSELORS AT LAW

CONSENT TO JOINDER
Carter, et al. v. Wynn Las Vegas, LLC

By signing below I hereby consent to join this case *Carter, et al. v. Wynn Las Vegas, LLC et al.*, as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Theodora Oringher PC, and GABROY LAW OFFICES pursuant to a written retainer agreement I have executed with them.

Date: 20 July 2016

Signature: 

Print Name: BLAKE RECK

YOU MUST ALSO EXECUTE A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

Jon R. Mower, Esq.
THEODORA ORINGHER PC
535 Anton Blvd., Suite 900
Costa Mesa, CA 92626

THEODORA  ORINGHER
COUNSELORS AT LAW

GABROY LAW OFFICES
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IAFD

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Jon R. Mower, Esq.
 Application for Admission *Pro Hac Vice* Pending
 THEODORA ORINGHER PC
 535 Anton Boulevard, Ninth Floor
 Costa Mesa, California 92626-7109
 Tel (714) 549-6200
 Fax (714) 549-6201

ATTORNEYS FOR PLAINTIFF

DISTRICT COURT**EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NEVADA**

KEVIN CARTER, MICHAEL SACCO, and
 BLAKE RECK individually and on behalf of
 all persons similarly situated;

Case No.
 Dept.:

Plaintiffs,

vs.

Initial Appearance Fee Disclosure

WYNN LAS VEGAS, LLC, a Nevada
 limited liability company,

Defendants.

Pursuant to NRS Chapter 19, filing fees are submitted for parties appearing in
 the above-captioned action as indicated below:

Kevin Carter, Plaintiff	\$270.00
Michael Sacco, Plaintiff	\$30.00
Blake Reck, Plaintiff	\$30.00

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TOTAL REMITTED

\$330.00

Dated this 26th day of July 2016

GABROY LAW OFFICES

By: _____/s/ Christian Gabroy_____
Christian Gabroy (#8805)
Oscar Peralta (#13559)
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A- 16- 740621- C

DISTRICT COURT CIVIL COVER SHEET **XXVI I**

Clark County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): KEVIN CARTER, MICHAEL SACCO, and BLAKE RECK individually and on behalf of all others similarly situated,	Defendant(s) (name/address/phone): WYNN LAS VEGAS, LLC, a Nevada limited liability company
Attorney (name/address/phone): Gabroy Law Offices 170 S Green Valley Parkway, Suite 280 Henderson, NV 89012 (702) 259-7777	Attorney (name/address/phone):

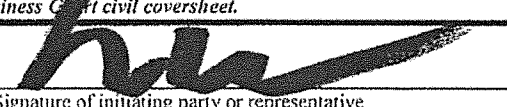
II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input checked="" type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

7/26/2016

Date


 Signature of initiating party or representative

See other side for family-related case filings.